

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 7, 2003
)	
Andrea Weisman)	DOCKET NO.: 03F-190
Health Systems Administrator)	
Department of Mental Health Services)	
3920 Livingston Street, NW)	
Washington, DC 20015)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Andrea Weisman, Health Systems Administrator, Department of Mental Health, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notices of Hearing, Statements of Violations and Orders of Appearance dated August 11, 2003 and September 4, 2003, OCF ordered Andrea Weisman (hereinafter respondent), to appear at scheduled hearings on August 25, 2003 and September 16, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On September 16, 2003, OCF was contacted by telephone by respondent stating she would be unable to attend the scheduled hearing. Respondent was instructed to file an affidavit and given a password to facilitate online filing. Further, OCF agreed to mail a hard copy of the Financial Disclosure Statement (FDS) form to respondent in the event of difficult online filing. OCF mailed the referenced FDS form to respondent's home address. OCF has not received the affidavit or required FDS to date.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was a delinquent filer in 2002 for the calendar year 2001.
2. On December 9, 2002, OCF issued an Order vacating its Notice of Hearing, Statement of Violations and Order of Appearance based on respondent's filing on August 19, 2002 and no prior filing delinquencies.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
4. On September 16, 2003, respondent contacted OCF and asserted she would file the required FDS online as well as an affidavit to explain the filing delinquency.
5. Respondent has failed to file the required Financial Disclosure Statement or an affidavit in explanation of the filing delinquency to date.
6. Respondent is currently not in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent has failed to provide a basis for a finding of good cause.

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Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$2,000.00 in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$2,000.00 be hereby imposed in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.